

REMARKS

Favorable reconsideration of this application for the reasons noted hereinafter is respectfully requested.

Claim 1-16 are currently pending. Claims 4-14 have been withdrawn from consideration. No claims have been amended or added by this response. No new matter has been added.

In the outstanding Office Action, Claim 15 was rejected under 35 U.S.C. § 112, first paragraph; Claims 1 and 16 were rejected under 35 U.S.C. § 102(b) as anticipated by Maeda et al. (WIPO Publication No. WO 03/098726 using U.S. Patent No. 7,316,856 as an English equivalent; hereinafter “Maeda”); Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Maeda in view of Hayashi et al. (U.S. Patent Application Publication No. 2002/0146610; hereinafter “Hayashi”); and Claim 2 was indicated as allowable if rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter in dependent Claim 2.

In response to the rejection of Claim 15 under 35 U.S.C. § 112, first paragraph, Applicants have amended the specification to include explicit written description for the subject matter of Claim 15.

In a non-limiting embodiment illustrated in Applicants’ Figure 4, the conductive substrates 12A, 12B and 12C and the connecting hinge 31 are illustrated as a single body. In non-limiting embodiments illustrated in Applicants’ Figures 6 and 7, the conductive substrates 12A, 12B, 12C, 22A, 22B and 22C, and the connecting hinges 31 are illustrated using a same cross-hatched pattern.

Thus, these non-limiting embodiments clearly support the connecting hinges 31 being the same material as the conductive substrates 12A, 12B, 12C, 22A, 22B and 22C. The present amendment to the specification does not add new matter.

Accordingly, Applicants respectfully request that the rejection of Claim 15 under 35 U.S.C. § 112, first paragraph be withdrawn.

In response to the rejection of Claim 1 under 35 U.S.C. § 102(b) as anticipated by Maeda, Applicants respectfully request reconsideration of the rejection and traverse the rejection as discussed next.

Page 6 of the Office Action states “[a] connecting hinge is not a technology specific term with a definite meaning,” in support of maintaining the rejection that Maeda’s vias 41 filled with conductive paste are analogous to the claimed (n-1) connecting hinges.

MPEP 2111 states that during patent examination, the pending claims must be "given their broadest reasonable interpretation *consistent with the specification*."

By way of background, page 16, lines 12-20 of the Applicants’ specification explains that a non-limiting embodiment of a connecting hinge provides the advantage that collector portions 12 and 22 can be prepared while they are joined together via the connecting hinges 31. This allows the prepared collector portions 12 and 22 to be *aligned with and fixed* to the insulating frames 15, 16, 25 and 26, respectively.

The vias 41 filled with conductive paste of Maeda do not provide this advantage. That is, Maeda’s conductive paste filled via does not allow collector portions to be aligned with and fixed to insulating frames.

Thus, the suggested analogy where a conductive paste filled via is analogous to the claimed hinge is not consistent with the Applicants’ specification as the conductive paste filled via of Maeda cannot achieve the benefits of a connecting hinge as described in the Applicants’ specification.

Accordingly, Applicants respectfully submit that a *prima facie* case of anticipation has not been established and the rejection of Claim 1 under 35 U.S.C. § 102 should be withdrawn.

Regarding Claim 16, page 4 of the Office Action suggests that Claim 16 is a product-by-process claim yielding the same product as that of Maeda. However, the conductive paste filled vias of Maeda cannot be fabricated by a process wherein the conductive substrates and connecting hinges are joined together as the vias must be formed first and then filled with conductive paste. That is, the conductive paste and separators of Maeda are not joined together when the conductive substrates are fabricated.

As the separator of Maeda cannot be formed as described in Claim 16, the flat-type polymer electrolyte fuel cell defined in Claim 16 clearly includes structural differences from the separator of Maeda.

Accordingly, Applicants respectfully submit that a *prima facie* case of anticipation has not been established and the rejection of Claim 16 under 35 U.S.C. § 102 should be withdrawn.

Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a) as unpatentable over Maeda in view of Hayashi, Claim 3 is dependent on independent Claim 1 and is believed to be patentable at least for the reasons described above. Further, Applicants respectfully submit that Hayashi fails to cure any of the above-noted deficiencies of Maeda.

Accordingly, Applicants respectfully request that the rejection of Claim 3 under 35 U.S.C. §103(a) be withdrawn.


Consequently, in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Matthew S. Dushek
Registration No. 61,921